

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRETT EMMETT LLOYD,

Case No. 3:17-cv-00582-MK

ORDER

Plaintiff,

v.

JOHN GERHARD, JEFFREY WARNER,
ANNALISA BALL, CITY OF BEAVERTON,
a municipal Corporation of the State of Oregon,

Defendants.

AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai filed his Findings and Recommendation (“F&R”) (doc. 79) recommending that (i) Plaintiff’s Motion for Default Judgment (filed as a Motion for Summary Judgment) (doc. 59) be denied; (ii) the City of Beaverton and Officer Warner’s Motion to Dismiss (doc. 44) be granted and Plaintiff’s claims against them be dismissed with prejudice; and (iii) Annalisa Ball’s Special Motion to Strike (doc. 53) be granted and Plaintiff’s claims against her be dismissed with prejudice, with Ball being awarded her reasonable attorney fees. Plaintiff then timely

filed objections to the F&R (doc. 82). The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's F&R, the district court must make a de novo determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert denied, 455 U.S. 920 (1982). Based on my review of the F&R and the documents in the case, I find no error in Judge Kasubhai's F&R and Plaintiff's objections do not undermine Judge Kasubhai's analysis. Thus, I adopt the F&R (doc. 79) in its entirety. Accordingly, (i) Plaintiff's Motion for Default Judgment (filed as a Motion for Summary Judgment) (doc. 59) is DENIED; (ii) the City of Beaverton and Officer Warner's Motion to Dismiss (doc. 44) is GRANTED and Plaintiff's claims against them are DISMISSED WITH PREJUDICE; and (iii) Annalisa Ball's Special Motion to Strike (doc. 53) is GRANTED and Plaintiff's claims against her are DISMISSED WITH PREJUDICE, and Ball is awarded her reasonable attorney fees.

IT IS SO ORDERED.

Dated this 31st day of March, 2019.



Ann Aiken
United States District Judge